

Remarks/Arguments:

This case has been carefully considered in order to place this case in condition for allowance. Claims 1, 2, 4, 7, 14, 15, 17, 19, 20 have been amended, claim 18 has been cancelled and new claims 21-24 have been added.

As shown in Figs. 2-4, for example, the applicants' method and system provides an extruding die with a slot 70 which has a substantially rectangular shape. This extruding slot 70, preferably, has a approximately 1% taper as set forth in the specification, page 14, lines 11 and 12. The extruding slot 70 feeds into a cooperating rectangular shaped forming slot 72 as best shown in Fig. 4. After blocking gate 84 is retracted, solid dry ice is allowed to be pushed through extruding slot 70 and formed or hardened in forming slot 72. Outside of the cylinder 62 a continuous polyhedron shaped slab is formed. When the slab is of a predetermined distance, the individual slab of dry ice is broken off.

It is an important aspect of the invention that the continuous slab of dry ice is broken off outside of the cylinder 62. Conversely the Hyde patent reference show a dagger board 20 inside of cylinder 25 for cutting the extrusion. It is respectfully submitted that Hyde effectively teaches away from applicants' invention as now set forth in amended claim 1. The teaching of a dagger board cutting inside of cylinder 25 would likely render the Hyde system inoperable for the operation of the extrusion and the breaking.

The Examiner has rejected claims 1-3, 7-9, 14-16 and 20 as being anticipated by Hyde. Claim 1 for example now specifically sets forth that the breaking step takes place outside of the cylinder as now specifically set forth in claims 1-3, 7-9, 14-16 and 20 and for this reason these claims are not anticipated or made obvious by Hyde.

Further claims 4, 5, and 17 have been rejected as unpatentable over Hyde in view of Marcus and claims 6, 10-13, 18 and 19 have been rejected over Hyde in view of Marcus and in further view of Anderson. Hyde has been distinguished above. With respect to claims 10-13, for example, these claims set forth that the die is generally rectangular shaped with a taper and the forming chamber has a generally rectangular shaped hole therein, with the die and the forming chamber being adjacent. With respect to Anderson, Fig. 6 and column 10 as cited by the Examiner, it is respectfully submitted that this structure is best seen in Figs. 5-7 in which die 146 has a conical taper which feeds into die plate 160 for ramming through circular holes to extrude dry ice pellets having a predetermined diameter and length, column 10 lines 42-45. Thus the conical extruding die 146 in Fig. 6 of Anderson together with die plate 160 is entirely different from that in Applicants' claims in which both the extruding die and the forming chamber die have rectangular shaped openings. In Anderson opening 152 is drilled through plate 148 with a "conical cross section" column 9, lines 2-4 which is entirely different from Applicants' rectangular shaped hole. Thus Anderson has a large conical opening opening 152 and not a rectangular tapered opening and that opening of Anderson feeds into plate 160 for producing cylindrical pellets and not a polyhedron shaped slab. This lack is not found in Marcus. The remaining dependent claims are also allowable since they are dependent on an allowable claim.

Appln. No.: 10/699,713
Proposed Amendment Dated May 11, 2005
Reply to Office Action of January 11, 2005

ARS-103US

Enclosed are the executed papers for a Statement Under 37 C.F.R 3.73(b) to add an inventor Russel G. Allen, Jr. with an Assent of Assignee, to the Statement of Russel G. Allen, Jr. and his Assignment and Declaration.

Extension of Time

The Commissioner for Patents has been given access to a credit card account to charge the fee for a one month extension of time. Pursuant to 37 CFR § 1.136(a)(3), the Commissioner is respectfully requested to consider this authorization a constructive petition for an extension of time.

Respectfully submitted,



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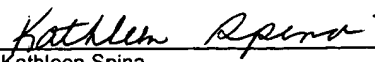
Enclosures: Assent Of Assignee To Correction And/Or Addition Of Inventor(s)
Statement Under 37 CFR 3.73(b)
Copy of Original Patent Assignment
PTO-1595 and Assignment
Statement Under 37 CFR 1.48(a) (1)
Processing Fee Under 37 CFR 1.17(i)
Executed Declaration/Power of Attorney

Dated: May 11, 2005

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: May 11, 2005



Kathleen Spina